



Hogan Lovells US LLP
875 Third Avenue
New York, NY 10022
T +1 212 918 3000
F +1 212 918 3100
www.hoganlovells.com

November 4, 2015

By ECF

Hon. Vincent L. Briccetti
United States Courthouse
300 Quarropas Street, Room 630
White Plains, New York 10601

Re: *Miller v. Wells Fargo Bank, N.A., et al.*, No. 13-cv-01541-VB

Dear Judge Briccetti:

This firm represents defendants Wells Fargo Bank, N.A. and Wells Fargo Insurance, Inc. (together, "Wells Fargo") in the above-referenced action.

In accordance with the Order dated and entered on August 4, 2015 (Docket No. 93), the parties provide the following report regarding the status of *Fladell et al. v. Wells Fargo Bank, N.A., et al.*, Case No. 13-60721 (S.D. Fla.) ("*Fladell*"). The appeals in the Eleventh Circuit Court of Appeals have been dismissed, and the class action settlement in *Fladell* is now final.

It is Wells Fargo's position that plaintiff Wayne Miller's ("Plaintiff") sole remaining claim is covered by the settlement in *Fladell* – indeed, he did not opt out of the class – and that the appropriate next step is for Plaintiff to voluntarily discontinue that remaining claim. Plaintiff's counsel advises that they are considering how to proceed. Accordingly, the parties respectfully seek the Court's leave to provide a further update to the Court by November 18, 2015.

Thank you for your consideration.

Respectfully submitted,

/s/ Lisa J. Fried

Lisa J. Fried

Partner
lisa.fried@hoganlovells.com
D +1 212 909 0658

cc by ECF: David Harrison, Esq.
Jeanne F. D'Esposito, Esq.
Barbara J. Hart, Esq.